

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

for Roanoke
FILED
JAN 26 2009

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
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ROBERT KEITH BUTLER,)	Civil Action No. 7:08-CV-00470
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
TERRY O'BRIEN, WARDEN,)	By: Hon. Jackson L. Kiser
Respondent.)	Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

ORDERED

that the respondent's motion to dismiss is **GRANTED**; the petitioner's petition for a writ of habeas corpus is **DENIED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 26th day of January, 2009.

[Signature]
Senior United States District Judge